

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

BRITTNEY MCDOUGLE, INDIVIDUALLY,  
AND ON BEHALF OF THE HEIRS AND  
WRONGFUL DEATH BENEFICIARIES  
OF MICHAEL D. MCDOUGLE, SR., DECEASED,  
AND THE ESTATE OF MICHAEL MCDOUGLE,  
THROUGH MARY MCDOUGLE, ADMINISTRATOR  
OF ESTATE

PLAINTIFFS

V.

CIVIL ACTION NO. 3:15-cv-00350-CWR-FKB

NESHOPA COUNTY, MS, SHERIFF TOMMY WADDELL,  
IN HIS OFFICIAL CAPACITY, CITY OF PHILADELPHIA,  
MS, CHIEF GRANT MEYERS, IN HIS OFFICIAL  
CAPACITY, AND OFFICERS BRAD CROCKETT,  
ERIC LOWDNES, BRANDON POPE, JOSH RAY, JAILERS  
AMANDA MONK, EVELYN MCBEATH, HARVEY HICKMAN,  
BURTON O'BERRY, JAMIE HUTCHESON, AND JOEY CURRY, ALL IN  
THEIR INDIVIDUAL AND OFFICIAL CAPACITIES

DEFENDANTS

---

PLAINTIFFS' MOTION TO AMEND FOURTH AMENDED COMPLAINT

---

COME NOW Plaintiffs Brittney McDougale, et al. (hereinafter "Plaintiffs"), by and through their attorneys of record, and file this, their PLAINTIFFS' MOTION TO AMEND FOURTH AMENDED COMPLAINT, and would show unto the Court, the following:

1. Plaintiffs filed their Original Complaint on or about May 8, 2015, naming "Neshoba County, MS, Sheriff Tommy Waddell, In his Individual and Official Capacities, City of Philadelphia, MS, Chief Grant Meyers, In his Individual and Official Capacities, and Officers Brad Crockett, Eric Lowdnes, Brandon Pope, Josh Ray, and "John Does 1-6", All in their Individual Capacities" as Defendants.

2. Plaintiffs filed their first Amended Complaint on May 11, 2015. Plaintiff's filed their Fourth Amended Complaint on or about August 18, 2016 against the Defendants identified in the style of this case.
3. Plaintiffs desire to amend their Fourth Amended Complaint to dismiss all the current Defendants since all claims against the current Defendants were tentatively settled today at the Settlement Conference conducted by the magistrate judge, conditioned upon the chancery court approving the settlement of the minors' claims. In the current Defendants stead, the Plaintiffs desire to name Brandi Wyatt and Dereck Moore, in their individual and official capacities as Defendants for being deliberately indifferent to the serious medical needs of the decedent and delaying or denying him access to medical/hospital/physician care, causing or contributing to his wrongful death. Plaintiffs also desire to name Neshoba County General Hospital as a Defendant for its policies, patterns, practices, or customs being the moving force behind Brandi Wyatt and Dereck Moore's actions or inactions.
4. A copy of the proposed Fifth Amended Complaint is attached hereto as Exhibit "A."
5. Defendants do not oppose this current Motion to Amend.
6. Based upon the foregoing, Plaintiff's motion should be granted.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Honorable Court will grant their Motion to Amend Fourth Amended Complaint, based upon the reasons and logic set forth herein. Plaintiffs also pray for all other general relief this Honorable Court deems to be fair and just. Due to the simplicity of this motion, Plaintiffs have not included a memorandum of law and request waiver of the filing of the same.

Respectfully submitted, this the 15<sup>th</sup> day of November, 2016.

Brittney McDougale, et al., Plaintiffs

BY: /s/ Carlos E. Moore  
Carlos E. Moore, MSB# 100685  
Counsel for Plaintiffs

OF COUNSEL:

**MOORE LAW GROUP, P.C.**

306 Branscome Drive  
P. O. Box 1487  
Grenada, MS 38902-1487  
662-227-9940 - phone  
662-227-9941 – fax  
[Carlos@CarlosMooreLaw.com](mailto:Carlos@CarlosMooreLaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2016, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following and all counsel of record:

John D. Price, Esq.  
Wise Carter Child & Caraway, P.A.  
P.O. Box 651  
Jackson, MS 39205-0651  
*Attorney for Defendant City of Philadelphia*

Roy A. Smith, Jr., Esq.  
Steven J. Griffin, Esq.  
Daniel Coker Horton & Bell, PA  
P.O. Box 1084  
Jackson, MS 39215  
*Attorneys for Defendants Tommy Waddell and Neshoba County, MS*

THIS, the 15<sup>th</sup> day of November, 2016.

s/ Carlos E. Moore  
CARLOS E. MOORE, ESQ.

